

ORIGINAL

Decision No. 68331

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
ROZAY'S TRANSFER, a corporation, for)
authority to deviate from minimum) Application No. 47031
rates, pursuant to Section 4015 of) (Filed October 6, 1964)
the Public Utilities Code.)

OPINION AND ORDER

By Decision No. 66452, dated December 10, 1963, in Application No. 45874, applicant was relieved of the necessity of assessing charges provided in Item No. 165 of Minimum Rate Tariff No. 5 for the services of unloading certain shipments which applicant transports for Burlington Industries, Inc., of Los Angeles (Burlington). The authority is scheduled to expire with December 14, 1964. By this application, it is proposed to continue the current tariff deviation for a further one-year period.

The tariff item provides charges for the services of unloading and segregating property tendered to the carrier in pool cars. The term "pool car" is defined in the item to mean a rail car or motor vehicle (other than carrier's equipment) containing property intended for delivery to two or more points of destination within the zones described in Minimum Rate Tariff No. 5. Applicant's current authority to waive collection of these charges was granted upon a showing that the property herein involved has been segregated, marked and loaded in such a manner as to expedite unloading and distribution at applicant's terminal.

According to the present application, the conditions surrounding the transportation in question which justified the original deviation from the minimum rates continue to exist and the

continuation of the relief heretofore granted is as urgent and necessary today as it was at the time of the hearing on the original application.

The application shows that it is the practice of Burlington to prepare in advance separate bills of lading for each shipment; that the shipments are all properly marked with the name and address of the ultimate consignee or customer and are loaded into the vehicle in such a manner as to expedite unloading and distribution from the terminal of the applicant; that each vehicle is delivered to the terminal of the applicant by the shipper's line-haul driver or by the delivering rail common carrier; and that in all cases the practice of delivering the equipment to the dock of applicant results in less cost to applicant than if applicant were to pick up the shipments individually at Burlington's place of business in Los Angeles.

Applicant alleges that it has made and will continue to make a fair profit without assessing or collecting pool car charges from Burlington under Item No. 165, and that continuation of the authority is necessary and essential in order to preserve the transportation arrangements between itself and the shipper and to preserve the traffic in for-hire carriage. Data furnished by applicant indicate that the transportation involved has been profitable.

The certificate of service shows that copies of the application were mailed to California Trucking Association and other interested parties on October 5, 1964. No objection to its being granted has been received.

In the circumstances, it appears, and the Commission finds, that the proposed basis of charges is reasonable and consistent with the public interest. A public hearing is not necessary. The application should be granted. In view of the expiration date of the current authority, the order which follows will be made effective December 14, 1964.

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IT IS ORDERED that:

1. Rozay's Transfer, a corporation, is hereby authorized to depart from the provisions of Item No. 165 of Minimum Rate Tariff No. 5 to the extent of not assessing the charges which are prescribed in said item for the services of unloading property tendered in pool cars; said authority is to apply only in connection with shipments other than split delivery shipments which applicant, Rozay's Transfer, transports for Burlington Industries, Inc., of Los Angeles, (a) when said shipments are brought to applicant's terminal at 2167 East 25th Street, Los Angeles, in motor vehicle equipment owned or operated by or for Burlington Industries, Inc., of Los Angeles or in railroad-owned "piggyback" trailers; (b) when the components of one or more shipments are not intermingled with other shipments; (c) when the separate shipments have been loaded by shipment in the vehicles in which they are delivered to applicant's terminal; and (d) when each shipment is tendered to, and is billed by, applicant as a separate shipment.

2. The authority herein granted shall, on and after December 14, 1964, supersede the authority granted by Decision No. 66452 and shall expire with December 14, 1965.

This order shall become effective December 14, 1964.

Dated at San Francisco, California, this 9th day of December, 1964.

Fredrick B. Hallock
President

George E. Crover

William H. Blum

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.
Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioners